

Translation

PATENT COOPERATION TREATY

PCT

10/088029

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference ./.	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/07612	International filing date (day/month/year) 05 August 2000 (05.08.00)	Priority date (day/month/year) 11 September 1999 (11.09.99)
International Patent Classification (IPC) or national classification and IPC B02C 19/20		
Applicant TELLER, Bernd		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 08 March 2001 (08.03.01)	Date of completion of this report 05 November 2001 (05.11.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/07612

## I. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

- ☐ the international application as originally filed.
- ☒ the description, pages 1-20, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. 1-17, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings, sheets/fig 1/5-5/5, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-17	YES
	Claims		NO
Inventive step (IS)	Claims	1-17	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

## 2. Citations and explanations

1. This report makes reference to the following document:

D1: DE-A-39 41 836.

2. Document D1 is considered to be the closest prior art and discloses (cf. Figure 1) a comminuting machine for comminuting soft to medium-hard feed material. Said comminuting machine features a closed working cylinder (3) which is made of iron-stiff material and has comminuting holes (see column 2, line 37), where said working cylinder (3) contains tools (24) which turn relative to the working cylinder about a shaft (11) which is coaxial to the working cylinder (3), where said tools have blades (29) which rotate relative to and without in practice touching the working cylinder (3) at a distance no greater than the diameter of the comminution holes and whose outer edges are curved (see Figure 2) towards the relative direction of rotation (30). Said comminuting machine also features a machine housing (1) which is connected to a ducting system between a feed channel (31) and a discharge channel (2), where the direction of the

shaft (11) and the axial direction of the working cylinder (3) deviate from the vertical, and where the end-opening of the working cylinder (3) is connected to the feed channel (31) and the lower half-cylinder of the working cylinder (3) is connected to the discharge channel (2). The subject matter of Claim 1 differs from the prior art described above in that:

the other end-opening of the working cylinder is closed by a freely accessible cover, where the diameter of this end-opening is at least as wide as the widest diameter of the working cylinder, and where the shaft extending from the feed-channel end reaches at furthest as far as the inner surface of the cover but certainly does not pass through it.

The subject matter of Claim 1 is therefore novel; PCT Article 33(2).

Since this feature cannot be derived from any of the available prior art documents, the subject matter of Claim 1 is also inventive; PCT Article 33(3).

3. Claims 2-17 are dependent on Claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

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**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

1. Although Claim 1 is in the proper two-part form, a number of features (see Box V) should not have been included in the characterising part of the claim, since they were disclosed in D1 in conjunction with the features indicated in the preamble (PCT Rule 6.3(b)).
2. Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.